

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 99-0054  
Controlled Substance Excise Tax  
For The Period April 22, 1993**

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**ISSUE**

**I. Controlled Substance Excise Tax—Imposition**

**Authority:** IC § 6-7-3-5; IC § 6-7-3-6; IC § 6-8.1-5-1

Taxpayer protests the assessment of the Controlled Substance Excise Tax.

**STATEMENT OF FACTS**

Taxpayer was arrested for possession of Marijuana. The Indiana Department of Revenue issued an assessment of the Controlled Substance Excise Tax on April 22, 1993. Taxpayer protested the assessment. An administrative hearing was held on October 18, 1999. Taxpayer offered no reason why the assessment should not apply. Further facts will be provided as necessary.

**I. Controlled Substance Excise Tax—Imposition**

**DISCUSSION**

Indiana Code Section 6-7-3-5 states:

The controlled substance excise tax is imposed on controlled substances that are:

- (1) delivered,
- (2) possessed, or
- (3) manufactured;

in violation of IC 35-48-4 or 21 U.S.C. 841 through 21 U.S.C. 852.

Pursuant to Indiana Code Section 6-7-3-6:

“The amount of the controlled substance is determined by:

(1) the weight of the controlled substance. . .”

Taxpayer was arrested and the controlled substance was assessed based on 9,780.80 grams of marijuana.

Pursuant to Indiana Code Section 6-8.1-5-1(b), “The notice of proposed assessment is prima facie evidence that the department’s claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.”

Taxpayer protested the assessment but did not offer any evidence that the assessment was invalid. As such, the taxpayer failed to meet the burden imposed by IC 6-8.1-5-1(b).

### **FINDING**

Taxpayer’s protest is denied.